vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3734 OF 2003
IN
NOTICE NO.1359 OF 1999
IN
EXECUTION APPLICATION NO.369 OF 1999
IN
MADRAS SUIT NO.7900 OF 1997

Planters Airways Ltd. ... Plaintiff

V/s.

Metal Box India Ltd. ... Defendant

Mr.Rajesh Patil i/b K.D. Mishra for Plaintiff/Applicant
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 23, 2006**

P.C.:

. This Motion has been filed for setting aside the order passed on 26.6.2003 in Notice No.1359 of 1999. By the order of 26.6.2003, Execution Notice No.1359 of 1999 was dismissed as nobody appeared, although the matter was called out twice. The present Motion has been taken out for setting aside that order and restoring the Execution Notice No.1359 of 1999 to file.

2. Heard the Counsel for the Plaintiff. Nobody appears for the Defendant, though served.

3. For the reasons stated in the affidavit in support of the Motion, the Motion is allowed subject to payment of costs of Rs.3,000/- to be paid to the Maharashtra State Legal Services Authority within 2

weeks from today. Execution Notice No.1359 of 1999 restored to file on payment of the stipulated costs.

4. Notice of Motion made absolute accordingly.